

**MEMO ENDORSED**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ABN AMRO BANK N.V. (presently known as THE  
ROYAL BANK OF SCOTLAND, N.V.),

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 6/8/2020

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-05354 (SMB)

Case No. 1:20-cv-03684-VC

**NOTICE OF MOTION TO  
STAY APPEAL**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law, and upon all the prior pleadings and proceedings had herein, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the substantively consolidated Chapter 7 estate of Bernard L. Madoff, will move this Court at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007, for an order staying the Trustee’s

appeal in the above-captioned case pending a decision by the United States Court of Appeals for the Second Circuit in two similarly-situated actions, *Picard v. Citibank, N.A.*, No. 20-1333 (2d Cir.), and *Picard v. Legacy Capital Ltd.*, No. 20-1334 (2d Cir.), together with such other and further relief as this Court deems just and proper.

Dated: New York, New York  
May 28, 2020

**BAKER & HOSTETLER LLP**

By: /s/ Patrick T. Campbell

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the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff  
Investment Securities LLC and the Estate  
of Bernard L. Madoff*

Application GRANTED. This case is stayed, with exception to Appellee's contemplated motion to certify this appeal for direct appeal to the Second Circuit. Appellee's motion is due not later than **June 22, 2020**. Appellant's response is due not later than **two weeks** from service of Appellee's motion. Appellee may reply not later than **one week** from service of Appellant's response.

The Clerk of Court is directed to close the open motion on docket entry 3.

SO ORDERED.

  
6/8/2020

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE